

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The Examiner indicates in his final rejection that the claims of the instant application did not require an oil-in-water emulsion. Applicant disagrees with the Examiner's interpretation of the claims. Be that as it may, Applicant by the instant amendment clearly sets forth a preparation comprising an oil-in-water emulsion. Accordingly, claim 33 clearly patentably defines over the cited and applied prior art references which are drawn to water-in-oil emulsions.

In light of the foregoing, the early issuance of a formal notice of allowance is respectfully requested.

With regard to the rejection of claim 51 under 35 U.S.C. 112, Applicant by the instant amendment has amended claim 51 to add the qualifying phase "in the form of triglycerides, liquid fatty acid esters or mineral oil". It is submitted that claim 51 as amended complies with the formal requirements of 35 U.S.C. 112.

In light of the foregoing, it is submitted that all of the claims are in condition for allowance and the early issuance of a formal notice of allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein

patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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